

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 4 and 5 and adding new claims 11-20. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority. **The Examiner is requested to confirm that a copy of the certified copy of the priority document was received from the International Bureau by checking the appropriate box on form PTOL-326.**

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on January 11, 2006.

Specification

The abstract of the disclosure is objected to because of the use of the legal term "said".
(Office Action at page 2)

Applicant is amending the abstract of the disclosure to overcome this objection.

Claim Rejections - § 112

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, at page 2 of the Office Action because in claim 1, there is insufficient antecedent basis for the limitation "said slopes" in line 14.

Applicant is amending the claims to overcome this rejection.

Art Rejections

1. Claims 1-4, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stebick (US 5,429,282).
2. Claims 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stebick.
3. Claims 1, 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Laauwe (US 4,823,994), in view of Stebick.

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-4, 9 And 10 In View Of Stebick (US 5,429,282).

In rejecting claims 1-4, 9 and 10 in view of Stebick (US 5,429,282), the grounds of rejection state:

Regarding claims 1 and 2, Stebick discloses a fluid dispenser head for associating with a fluid reservoir including: a stationary base 10 formed by, or for mounting on, the reservoir (column 2, lines 54-56); a rotary actuator element 30 mounted in rotary manner on the base 10 so as to turn about an axis of rotation between two extreme abutment positions 60/62 (see fig. 4); and a dispenser orifice 33 that can be closed selectively by turning the element 30 on the base 10, the dispenser orifice 33 being situated on the axis of rotation of the element 30 on the base 10, the two extreme abutment positions 60/62 defining two open positions of the dispenser orifice separated by at least one position 64 in which the dispenser orifice 33 is closed (column 2, lines 3-8), the dispenser head being characterized in that it includes axial displacement means capable of axially displacing the element 30 relative to the base 10 while it is turning on the base 10 (see figure 4), the axial displacement means including a guide window (fig. 4) that extends over a fraction of the periphery of the base, defining at least one guide path (figs. 3a and 4) presenting two sections 54/56 that are connected together at a low point 64 (fig. 4), each of the two sections 54/56 defining a respective extreme abutment 62/60, the two extreme abutments 62/60 respectively corresponding to the two open positions (column 5, lines 19-22), and the low point 64 corresponding to the closed position (column 5, lines 61-68), and

slopes presenting inclinations that are different (i.e. sections 54/56 have different slopes with respect to the longitudinal axis of the base; see figure 3a). Stebick discloses the actuator element 30 including at least one axial, rotary guide lug 32 engaged in the window (figs. 5a-5c and), so that while the actuator element 30 is being turned on the base 10, the at least one lug 32 is displaced in its respective window (see column 5, lines 22-31), thereby displacing the actuator element 30 axially, so as to reach different heights depending on whether the lug 32 is in abutment against the first section or against the second section (see figures 3a and 5a-5c). Stebick further discloses the actuator element 30 includes axial guide means (inner sleeve see fig. 1a) including a plurality of tabs 74 engaged around a pin 72 formed by the base 10, so that the pin 72 is slidably mounted in the axial guide means, the guide means extending downwards from the periphery of the dispenser orifice 33 (fig. 1a); the plurality of tabs 74 being connected together by a scraper (see fig. 1a) and the guide means forming a plurality of slots (see fig. 1a) of sizes that vary as a function of the position of the pin 72 in the axial guide means (see figures 1a and 2c, and column 3, lines 17-30).

Regarding claim 3, Stebick discloses the base 10 includes a ring 24 formed with a plurality of axial, rotary guide windows (fig. 3a) distributed over the periphery of the ring 24, the element 30 including a skirt 34 that extends around the ring 24, and that, on its inside, forms a plurality of axial, rotary guide lugs 32/36 that are engaged in respective windows (see figures 5a-5c).

Regarding claim 4, Stebick discloses flowrate-varying means (fig. 4) making it possible to vary, from one open position to the other, the rate at which the fluid flows through the dispenser orifice 33 (see column 6, lines 16-36).

Regarding claim 9, Stebick discloses the actuator element 30 includes a detachable safety tab 40 that is blocked by the base 10, so that in the closed position the actuator element 30 is prevented from turning on the base 10 (see column 6, lines 37-51).

Regarding claim 10, Stebick discloses the two extreme open positions 62/60 are separated by at least one intermediate fixed open position 58 (see figure 4).

Office Action at pages 2-5.

Claim 1 states that “said slopes presenting inclinations and/or lengths that are different”. That is, one slope has an inclination and/or length that is different from the inclination and/or length of the other slope. The result is that the sections 2211, 2212 are not symmetrical with respect to the low point (2210). Applicant has amended claim 1 to clarify this feature.

In Stebick, on the other hand, the two sections 54, 56 in Figure 4 are symmetrical to the low point or trunk branch 52. The lengths of both sections are identical and the magnitude of the inclinations of their slopes are also identical, so that their extreme abutments 60 and 62 extend to the same level. Therefore, Stebick does not anticipate the subject matter of claim 1, nor does this patent render this subject matter obvious.

In view of at least the foregoing differences, the Examiner is requested to reconsider and withdraw the rejection.

2. Claims 1, 5 And 8 Over Laauwe (US 4,823,994), In View Of Stebick.

In rejecting claims 1, 5 and 8 over Laauwe (US 4,823,994), in view of Stebick, the grounds of rejection state:

Regarding claims 1, 5 and 8, Laauwe discloses a fluid dispensing head for associating with a fluid reservoir (fig. 1), the head including: a stationary base 1 for mounting on the reservoir 4, wherein the base forms a closing pin 14 (fig. 7); a rotary actuator element (C) mounted in rotary manner on the base 1 so as to turn about an axis of rotation between two extreme abutment positions 9a/9b (see figure 3); and a dispenser orifice 13 that can be closed selectively by turning the element (C) on the base 1; the dispenser orifice 13 being situated on the axis of rotation of the element (C) on the base 1 (figs. 1-8); the dispenser head being characterized in that it includes axial displacement means 9 that are capable of axially displacing the element (C) relative to the base 1 while it is turning on the base (figs. 3, 6 and 8), wherein, the axial displacement means includes at least one guide path (figs. 3, 6 and 8). Laauwe further discloses the base 1 includes an inner sleeve 8 inside which the pin 14 extends (figs. 7 and 8), the actuator element (C) includes a cover 12 disposed on the sleeve 8 and

forming the dispenser orifice 13 (fig. 8), the cover including an annular lip 16/16a in leaktight, rotary sliding contact with said sleeve 8 (see figures 7 and 8, and column 2, lines 52-55).

Laauwe discloses all the elements of the claimed invention except the two extreme abutment positions defining two open positions of the dispenser orifice separated by at least one position in which the dispenser orifice is closed.

Stebick teaches a multi-position dispensing head for associating with a fluid reservoir including axial displacement means presenting two sections 54/56 that are connected together at a low point 64 (fig. 4), each of the two sections 54/56 defining a respective extreme abutment 62/60, the two extreme abutments 62/60 respectively corresponding to the two open positions (see rejection of claims 1 and 5 above).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device of Laauwe, with axial displacement means including two extreme abutment positions defining two open positions of the dispenser orifice separated by at least one position in which the dispenser orifice is closed, as taught by Stebick, in order to provide a multi-position self guiding dispensing head, for providing different flow positions.

Office Action at pages 6-7.

Concerning the objection based on the combination of Laauwee and Stebick, both of these references do not show sections having slopes presenting different inclinations and/or lengths so as to result in a non-symmetrical structure as required by claim 1.

Accordingly, the Examiner is requested to reconsider and withdraw this rejection as well.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 11-20, which are allowable at least because the prior art does not disclose the non-symmetrical guide path in the combination claimed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 8, 2009